

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2019

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRP PD NO.3412 of 2013 and
M.P.No.1 of 2013

1. Gnanadeepam

2. M.Mani

... Revision Petitioners

Vs.

Kamala

... Respondent

Prayer: Civil Revision Petition filed under Section 227 of the Constitution of India against the order dated 04.11.2011 passed by the Additional District Munsif, Poonamallee in I.A.No.928 of 2011 in O.S.No.350 of 2010.

For Revision Petitioners : Mr.R.Bharathkumar

For Respondent : No appearance.

ORDER

Revision petition filed against the orders passed by the trial court in I.A.No.928 of 2011 in O.S.No.350 of 2010, allowing the application for amending the plaint, filed by the plaintiff.

2. Heard the learned counsel appearing for the revision petitioners and also perused the order passed by the trial court.

3. The revision petitioners are the defendants in the suit in O.S.No.350 of 2010, filed for permanent injunction. The amendment sought to be introduced by the plaintiff is only to the effect that the 6 feet pathway is under her control and the defendants are trying to encroach upon the pathway. In fact, the the defendant, revision petitioner herein has not objected such amendment before trial court by filing counter affidavit. Since the suit has been filed injunction, in my view, the nature of amendment sought by the plaintiff will not change the character of the suit. It is needless to say that the revision petitioner can very well dispute the same by pleading and contest the suit. Hence, this court does not find any infirmity on the orders passed by the trial court.

4. In the result,

(i) The revision petition is dismissed. No costs. The connected civil miscellaneous petition is closed.

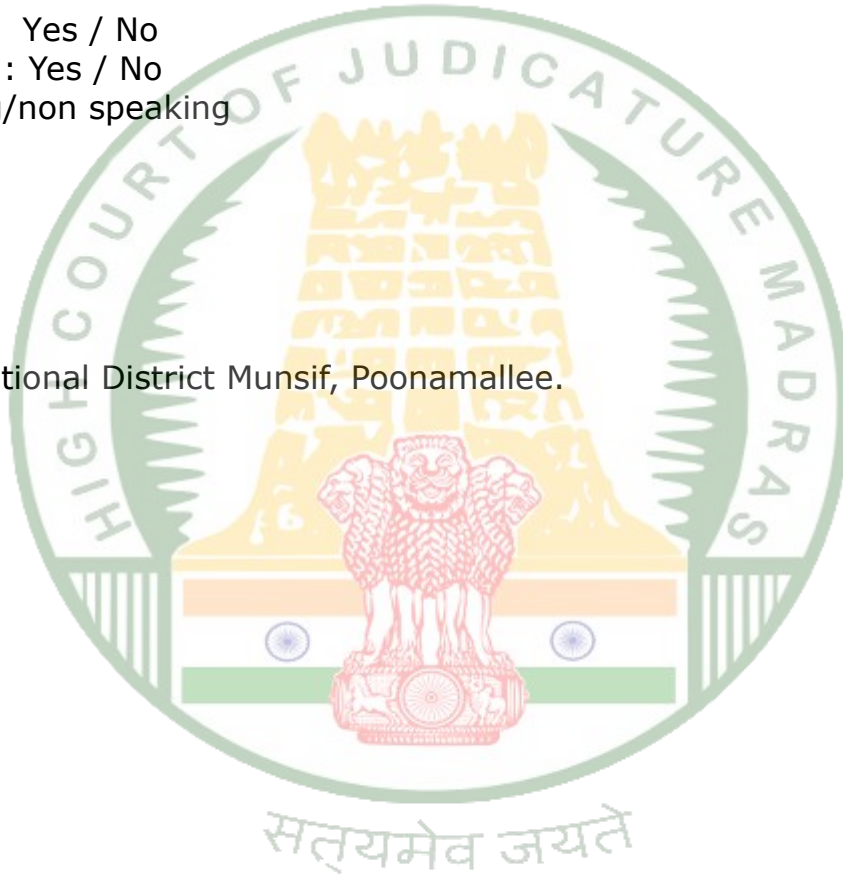
(ii) The decretal order and order passed by the trial court are upheld.

13.02.2019

Index : Yes / No
Internet : Yes / No
speaking/non speaking
mst

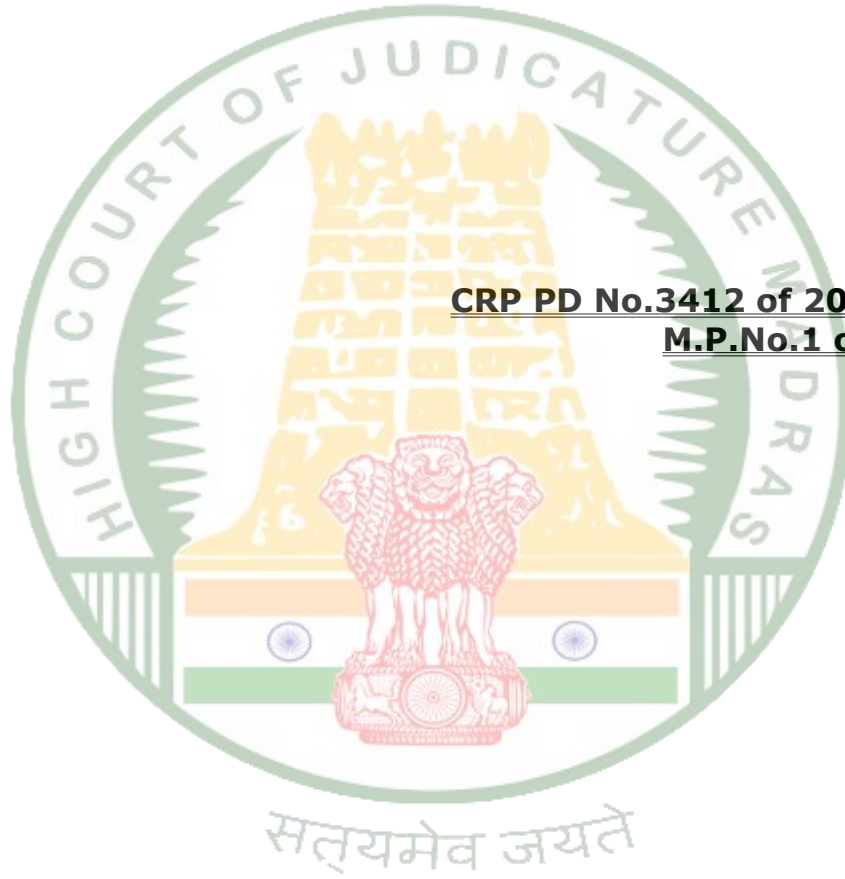
To

The Additional District Munsif, Poonamallee.



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N.SATHISHKUMAR, J.
mst



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